

Remarks:

Applicants have read and considered the Office Action dated March 18, 2005 and the references cited therein. Claims 1, 3, 5, 8-13, 16-19, 21-22 and 25-31 have been amended. Claims 4, 6-7, 14-15, 24 and 32-38 have been cancelled without prejudice. Claims 1-3, 5, 8-13, 16-23 and 25-31 are currently pending.

In the Action, claims 10, 18-19, 21-22, 24-25, 27-31 and 33-36 were rejected under 35 U.S.C. § 112 as being indefinite. The dependency of the claims have been appropriately amended to reflect proper dependency. Applicants assert that the indefiniteness rejections are traversed.

Claims 1-6, 9, 15-16, 20-29 and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bue, U.S. Patent No. 6,065,802. Claims 1-6, 9, 15-16, 20-29 and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bue, U.S. Patent No. 6,254,178. In addition, claims 1-6, 9, 15-16, 20-29 and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bue, U.S. Patent No. 6,386,628.

Claim 1 has now been amended to recite features of claim 7, which was indicated as being allowable. Applicants assert that claims 1-3, 5 and 8 are allowable as claim 7 had been indicated as being allowable if rewritten in independent form.

Moreover, claim 9 has been amended and recites that the lock assembly includes a handle initially disconnected from the latching member for shipping, wherein the latching member and handle cooperate to automatically position the lock assembly and limit motion of the linkage assemblies and the latching member automatically engages the engagement member and interlocks the linkage upon folding the linkage to a storage position. The cited references neither teaches nor suggest such lock assemblies. Although the Bue folding tables include a locking and latching assembly, the Bue patents do not include a handle initially disconnected from the

latching member for shipping and does not teach the automatic engagement of claim 9.

Applicants assert that claims 9-13 are therefore allowable as the present invention provides further advantages with regard to safety and convenience for the user. The present invention provides for automatic actuation and easy setup from an initial shipping position. Moreover, the present invention is difficult to override so proper spacing is maintained for even further safe operation.

Claim 16 recites a lock with a locking member mounted on a sleeve concentric with the pivotal portion of the linkage. The lock includes a complementary member on the second portion of the folding linkage and a handle mounted to the pivot, the handle locking member engaging one of the table tops and limit the pivoting range of the lock. Claim 16 now recites the locking members pivotally rotatable relative to the handle in the initial use position and the pivot and sleeve are released during shipping and connected for use. None of the prior art teaches or suggests such easy use and a lock that allows simple setup during shipping and simple modification for use. None of the prior art teaches or suggests such a lock. Applicants assert that claims 16 and 18-19 patentably distinguish over the cited reference.

Claim 20 recites first and second tabletops folding along a folding axis wherein the tabletops define a generally oval table having a dimension transverse to the folding axis greater than a dimension along a folding axis and a plurality of seating devices spaced evenly along the portion of the table periphery. The Office Action does not address these features. Applicants assert that none of the prior art teaches or suggests such a table. None of the cited references show an oval table with a dimension transverse to the folding axis greater than its dimension along the folding axis. The Bue patents may show oval tables, but the tables do not have a dimension transverse to the folding axis that is greater than the dimension along the folding axis. Having such a longer folding table provides great challenges with regard to providing stability and folding in a safe and reliable manner. The present invention addresses these issues. Moreover, the present invention provides an oval table with the users seated around the table in a

substantially evenly spaced configuration. The folding oval tables of the prior art do not provide the added length and seating capacity of the present invention, but require substantially the same storage space. Folding rectangular tables may provide additional seating but do not seat the users so that the edge of the table turns toward a center portion of the table so that everyone faces inward. Applicants assert that claims 20-22 are therefore allowable.

Claim 23 recites storage lock assembly that locks the table support structure in a storage position when mounting wheels are brought into the storage position, wherein the storage lock assembly is initially disconnected for shipping. Claim 23 further recites a use lock assembly that locks the support structure in the use position when the mounting rails are brought into the use position. None of the prior art teach or suggest such a storage lock assembly and a use lock assembly that operate as the present invention. The locking assemblies provide safe, reliable operation that is not possible with the prior art. Applicants assert that claims 23 and 25-31 are therefore allowable over the Bue '802 patent.

Claims 17-19 and 37-38 are rejected under 35 U.S.C. § 103 as being unpatentable over Bue. Claim 17 recites a method of locking and unlocking. As stated above, the prior art does not teach or suggest the structure of the folding linkage or a method of folding or unfolding such a linkage. Applicants are unclear as to which Bue reference is being cited but Applicants assert that claim 17 is allowable for the reasons cited above as well as others.

Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bue in view of Park, U.S. Patent No. 6,808,434. The Action states that Bue fails to teach a removable seat but that Park does. The prior art does not address the issues related to the prior art that are addressed by the present invention as discussed above. Applicants assert that claim 30 is allowable for the reasons stated above as well as others.

Applicants submit herewith a Sico European prior art TABLE. Applicants assert that the European TABLE does not have a latching assembly that includes the recited sleeve and latching

members. Moreover, the latch does not provide such a simple and reliable structure and method of disconnecting during shipping and the automatic positioning for storage and use. The present invention provides even greater reliability and safety for the user and prevents overriding of the latching system. Applicants assert that the claims as submitted, patentably distinguish over all of the prior art or any combination thereof.

A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

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By: _____

Gregory A. Sebald
Reg. No. 33,280
GAS/krm